REMARKS/ARGUMENT

Claims 1, 2, 15 and 16 are pending. Claims 1 and 15 are independent.

Claims 1, 2, 15 and 16 were rejected under 35 U.S.C. § 103 as obvious from U.S. Patent 6,256,326 (Kudo) in view of U.S. Patent 6,256,292 (Ellis et al.). Applicant traverses and submits that independent claims 1 and 15 are patentable for at least the following reasons.

Claim 1 is directed to a node comprising first, second, and third layers, in which a packet is mapped in the first layer, the first layer judges whether the packet is to be dropped at the node or to be hopped to a next node. The first layer is the lowest layer in the layering, the second layer is higher than the first layer, and lower than the third layer in the layering. The first layer transmits the packet to the third layer through the second layer when the first layer judges that the packet is to be dropped at the node. As a result of the recited structure, packets can be directed in a network without having to be processed by the third layer, for example the layer with the router.

The Examiner stated, at page 2, lines 10-12 of the "Supplemental Advisory" portion of the Advisory Action mailed November 12, 2003, that "Specifically in claim 1, it is noted that the terms "first, second, and third layers" are not explicitly defined. ... " However, it is well known in the art that the terms "first, second, and third layers" are defined as the lower three layers (namely, the physical layer, the data link layer, and the network layer) in layering of OSI (Open System Interconnection) reference model, as is readily understood from 1st, 2nd, and 3rd layers in Figs. 4, 5, and 2. That is, Figs. 4, 5, and 2, and the descriptions related to Figs. 4, 5, and 2, explicitly disclose that the first layer is the lowest layer in layering and that the second layer is higher than the first layer and lower than the third layer in the layering.

This relationship is already believed self-evident when the terms of the claims are read in view of the specification, as they must be. However, to expedite prosecution, this already self-evident fact is more explicitly spelled out in the amendments to claims 1 and 15. Applicant points out that the amendment is merely a statement of what is believed to already be self-evident in the claims and in no way narrows either claim. That is, the amendments to the claims are *not narrowing claim amendments* since the terms should have been so construed in view of the specification in the first place.

In view of the above, and in view of the previous arguments presented in the Request for Reconsideration dated October 24, 2003, that pointed out the inconsistent application of prior art teachings in the most recent Office Action, arguments that are maintained and incorporated herein by reference, it is believed clear that claim 1 is patentable over the cited references.

Claim 15 is a method claim corresponding to claim 1 and is believed patentable for at least the same reasons as claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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